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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,130	01/10/2002	Steven D. Burch	8540G-000081	8162

27572 7590 07/16/2003

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EXAMINER

RIDLEY, BASIA ANNA

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Candidate(s)
	10/044,130	BURCH ET AL.
	Examiner <i>BR</i> Basia Ridley	Art Unit 1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 May 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-52 is/are pending in the application.

4a) Of the above claim(s) 1-28,37-48,50 and 52 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 29-36,49 and 51 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,4,6</u> .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention II, Species C in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the classification of the Inventions, as set forth in Paper 3 is not proper. This is not found persuasive because the thermal management system of Invention I, while including a nominal recitation of structure external to class 165, also includes significantly claimed heat transfer apparatus of class 165, and therefore it is properly classified in class 165. Therefore the above inventions have acquired a separate status in the art as shown by their different classification, therefore restriction for examination purposes as indicated is proper. To further clarify her position, the examiner would like to point out that, since the search required for Group I is not required for Group II and the search required for Group II is not required for Group I, there would be a serious burden on the examiner if restriction was not required.

The requirement is still deemed proper and is therefore made FINAL.

2. Claim(s) 1-28, 37-48, 50 and 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

Information Disclosure Statement

3. The International Search Report cited in the information disclosure statement filed in Paper 6 have been considered, but will not be printed on any patent resulting from this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) 29-36, 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoyama (USP 6,290,913) in view of Hwang et al. (USP 4,522,894).

Regarding claims 29-36, 49 and 51 Aoyama discloses a method for producing hydrogen reformate gas comprising reacting water supply stream and a fuel supply stream in a reformer and passing thus formed reformate gas to preferential oxidation reactor, wherein at least a portion of water used in said reformer is preheated in the preferential oxidation reactor (Fig. 1).

Aoyama does not disclose the reformer being an autothermal reformer, wherein air is mixed with said water supply before entering said autothermal reformer. Further the reference does not disclose a second water stream being preheated in a combustor and mixed with said portion of water preheated in the preferential oxidation reactor.

Hwang et al. (Fig. 2) teaches that autothermal reformers are known in the art where they offer advantage over steam reformers by allowing for thermally balanced operation between endothermic steam reforming reaction and partial oxidation reaction. Preheating of water which is mixed with air before entering the autothermal reforming zone in a combustor will further improve the thermal balance of the system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use autothermal reformer of Hwang et al. in the system of Aoyama for the purpose of improving the thermal balance of the system.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the

contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Conclusion

7. In view of the foregoing, none of the claims are allowed.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (703) 305-5418. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (703) 308-6824.

The fax phone number for Group 1700 is (703) 872-9311 (for Official papers after Final), (703) 872-9310 (for other Official papers) and (703) 305-6078 (for Unofficial papers). When filing a fax in Group 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

BR
July 12, 2003

Basia Ridley
Examiner
Art Unit 1764

Jerry D. Johnson
JERRY D. JOHNSON
PRIMARY EXAMINER
GROUP 1100